



# **SAN BRUNO CITY COUNCIL**

## **ADJOURNED MEETING**

### **Minutes**

**July 22, 2003**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in adjourned session at the San Bruno Senior Center 1555 Crystal Springs Road on July 22, 2003 at 6:30 p.m. Present were Mayor Franzella presiding; Councilmembers Ruane, Pallas, and O'Connell with Ibarra absent with notice. City Clerk Simon was recording. Mayor Franzella called an **adjourned meeting to interview applicants** for City Boards, Committees, and Commissions. Applicants interviewed were; Deorsie Kenyatta, John Marty, George Peponis, William Cochrane, and William Michelini had previously been interviewed. Appointments will be made at the August 12, 2003 regular City Council Meeting. Meeting adjourned at 6:45 p.m. to the regular City Council meeting at 7:00 p.m.

## **REGULAR MEETING**

### **Minutes**

**July 22, 2003**

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement. Mayor Franzella called meeting to order at 7:00 p.m.

**ROLL CALL** was complete by City Clerk Simon. Present were Mayor Franzella presiding; Councilmembers Ruane, Pallas, and O'Connell with Ibarra absent with notice.

**PLEDGE OF ALLEGIANCE** was lead by Fire Chief Dan Voreyer.

**PRESENTATIONS: San Bruno Sister City 2003** delegation, reported on recent visit by Parkside students and delegation to Narita, Japan. **Nick Pegueros, Revenue Manager**, gave an overview of the trip and presented a gift to Mayor Franzella from Mayor Kobayashi. Students from Parkside School (David Baptista and Tony Arena) shared their experiences.

**Peninsula Corridor Joint Powers Board** presented the draft "Project Study Report", for San Bruno's **Caltrain** preferred grade separation and station design. This will be the start of the 21 day public review period and any formal action will take place on the August 12, 2003 City Council agenda. Copies of the report are available at the Library. Howard Goode, Manager of Samtrans, introduced the report to the Council and turned over the presentation to Darrel Maxey, Chief Engineer for Caltrain. Mr. Maxey gave a brief background on the project and process. He summarized key design features and issues in the "Project Study Report". **Councilmember Ruane** as Co-Chair of the Citizens Advisory Committee stated that members worked very hard and we have a good result because of it.

**Vice Mayor Pallas** said people are happy with current condition and location of the Caltrain and since this project is so large it should go to a vote of the people.

**Robert Riechel of 7<sup>th</sup> Avenue** read a letter from CAC committee member **Alice Barnes**.

She is very much in favor of grade separations and encourages all San Bruno citizens to read the report and make their suggestions.

**Barbara LaRaia of Clark Avenue** said the presentation was great but the "Station" is in the wrong place. The joint powers board voted unanimously to put the station permanently back at the Sylvan Avenue location and the brotherhood of locomotive engineers said the area North and South of I 380 is a safety issue due to the train track curve. She submitted an email from Jim Gallagher of Samtrans stating San Bruno is 5<sup>th</sup> on the priority list for grade separation not necessarily the 5th most dangerous.

**Jim Kelly of Oak Avenue** said the grade separations along our rail corridor are oddly inconsistent. Some have trains over cars and some cars over trains. The SFO airport may lose its chance for direct access to the peninsula rail corridor if the train station is moved.

**Rose Urbach of Euclid Avenue** would like an overlay showing what is and what could be? What are the impacts and detours? Should be put on ballot.

**Scott Buschman, Claremont Dr.** supports grade separation, understands the need to protect auto traffic and pedestrians. Concerned about noise from elevated trains and physical separation of the community.

**Mark Hollingsworth, Green Ave.** said even though it is expensive, we should underground the Caltrain to eliminate all the impacts. What are the other Cities doing and where will the other two tracks go?

**Councilmember Ruane** responded that the committee did look closely at an alternative similar to Millbrae where the cars would go over the train tracks but it involved taking a large amount of property and homes and was not considered feasible.

**Teresa McIntosh of Atlantic Avenue** spoke as a committee member and said the report will answer the questions asked tonight. She is very much in favor of the project.

**Vice Mayor Pallas** concerned that cost to the City and seismic studies not being detailed in the report.

**Irene O'Connell** said citizens need to read the report. More than 11 homes could be lost if another alternative was used. Concerned about impacts to 1<sup>st</sup> Avenue residents. The City Council has no control over what Caltrans does with their property.

**Doris Maez of Fleetwood Drive** spoke as a member of the CAC and also wants to encourage citizens to read the report to see how many compromises were made to get the best possible project. She is very much in support of this project.

**Mayor Franzella** thanked the Caltrain Citizens Advisory Committee and the Caltrain staff for the 11 plus meetings, which produced a very thorough document.

**Lillian Fenech of Green Avenue** asked Mayor Franzella where the money would come from for this project? Mayor Franzella responded that once the JPB knows what project is approved they will figure out the cost and how it will be funded. This is not a City Project. Comments should be sent to the San Bruno Public Works Department at City Hall or an email could be sent to [maxeyd@samtrans.com](mailto:maxeyd@samtrans.com) and the mailing address is 1250 San Carlos Avenue San Carlos, CA 94070. Mayor Franzella requested the Clerk's office post this information on Channel 11 message board.

Mayor Franzella announced the upcoming hearings for the proposed Jefferson Martin 230k PG&E electric transmission lines and 70 foot tower at Glenview Drive and San Bruno Avenue. An Administrative Law Judge will be present to take comments and gather information on July 29, 2003 5:00 – 9:00 p.m. at the San Bruno Senior 1555 Crystal Springs Road and August 14, 2003 2:00 p.m. and again at 7:00 p.m. at the San Bruno Recreation Center City Park.

Mayor Franzella also announced that local historian Darold Fredricks was publishing a new book called "The San Francisco Peninsula: Giants on the Land". It covers the 200 years history of our area. Sending an interest card to Mr. Fredricks can reserve advance copies P. O. Box 733 San Bruno, Ca 94066.

**REVIEW OF AGENDA: City Attorney Pamela Thompson** requested City Council continue item No. 13 Closed Session and add new item to cover potential litigation concerning the new BART barrier which was installed west of the new BART station.

**M/S Ruane/O'Connell** to approve adding new item due to meeting being scheduled for July 23, 2003 with BART to discuss this issue. All ayes, Ibarra Absent.

**APPROVAL OF MINUTES:** For the regular Council meetings of July 8, 2003, approved as submitted.

**CONSENT CALENDAR: Mayor Franzella** pulled item 4.h for a member of the public. He pulled 4.i in order to have the Traffic Safety & Parking Committee review and bring back at the August 12, 2003 meeting. **Councilmember O'Connell** pulled 4. c. **M/S Ruane/O'Connell** to approve the remainder of items. All ayes with Ibarra absent.

- a. **Approve: Payroll** of July 18, 2003.
- b. **Approve: Accounts Payable** of June 23rd & July 7th, 2003. (Council Packets only, copy is available for review at the City Clerk's office)
- c. **Accept:** Donation of \$2,000 from **Target Corporation** to the San Bruno Police Department for use to support identity theft and fraud prevention training for local merchants and citizens.
- d. **File:** City Council response to the May 13, 2003 **Grand Jury report** which contains findings and recommendations pertaining to HANDLING FORENSIC EVIDENCE.
- e. **File:** City Council response to the May 15, 2003 **Grand Jury report** which contains findings and recommendations pertaining to BICYCLE SAFETY IN SAN MATEO COUNTY.
- f. **File:** City Council response to the May 19, 2003 **Grand Jury report** which contains findings and recommendations pertaining to WARRANT ENFORCEMENT IN SAN MATEO COUNTY.
- g. **Adopt:** Resolution of intent to amend Personnel Rules and Regulations as adopted by resolution 1958-148, as amended revising and updating job titles and position description for **“Water Quality Technician”**. Sets public hearing for August 12, 2003.
- h. **File:** Letter to San Mateo County Board of Supervisors dated July 14, 2003, supporting approval of the environmental review and Mitigated Negative Declaration for the **Cupid's Row Canal** Vegetation/Sediment Removal Project.
- i. **File:** Letter to San Mateo County Transportation Authority dated June 30, 2003, summarizing **transportation projects** needed in San Bruno for consideration for future Measure “A” funding.
- j. **Accept:** Presented by City Treasurer, Karen Hornung, reconciliation of General Ledger to **Bank Reports**, and the **Investment Reports** dated June 30, 2003.

**Robert Riechel of 7<sup>th</sup> Avenue** read letter dated July 21, 2003 thanking the City Council for their support regarding the upcoming work on Cupid Row canal. **M/S O'Connell/Pallas** to approve item 4.h. all ayes with Ibarra absent.

**Councilmember O'Connell** publicly thanked the **TARGET** Corporation for their donation to the San Bruno Police Department in the amount of \$2,000. **M/S O'Connell/Ruane** to approve with all ayes and Ibarra absent.

**PUBLIC HEARINGS** (NOTICES were published, posted and mailed):

**Continuation** of Public Hearing of July 8, 2003. Mayor Franzella requested **Use Permit 03-19**, which was approved by the Planning Commission on June 17, 2003, for a **Tow Yard and Vehicle Storage Lots under Freeway I-380**, be reviewed by the full City Council as a “de novo” hearing per Ordinance 1654, Chapter 12.210 of Title 12 (Land Use) of the San Bruno Municipal Code. Request for **three (3) automobile storage lots** in an Unclassified (U) Zoning District, per Section 12.96.180 of the San Bruno Zoning Ordinance. Peter & Paul Koehler (applicants) - Caltrans (owner). **Aaron Aknin Associate Planner** gave staff report and noted there is no longer a proposal for Lot C, which is the West lot near Huntington Avenue. Both Montgomery and San Mateo Avenues would be access points. Applicant will comply with local, state, and federal laws regarding hazardous waste. Fence height will be 8 feet with gray wood slats. Two spaces will be landscaped along Hermosa Street (Trees) and Montgomery Avenue (Shrubs). The Chief of Police must approve a security plan. Staff recommends this project.

**Robert Frabres of South San Francisco** objects to these storage yards and request Council take more time to review this permit. The federal requirements to protect the storm water runoff have not been complied with (Section 1018090). He believes this operator tows cars from San Francisco, which is a violation. How many tow companies will operate out of this location?

**Steve Frabres of Maple Avenue** is opposed to tow yards under I 380. It is too close to all the improvements for the BART and will become an eyesore.

**Rose Urbach of Euclid Avenue** restated the fact that Caltrans, the owner of this property, had promised there would be landscaping under Freeway 380. Warehouse applications were denied in the past.

**Jim Kelly of Oak Avenue** feels an option for this space would be for an open-air market to sell Arts and Crafts from local vendors. Wants more ideas for potential use of this space.

**Harry Costa, San Bruno Chamber CEO**, said the Chamber would take on a project to oversee this site for a festival or open-air market or even a skateboard park.

**M/S Ruane/O'Connell** to close the public hearing, all ayes with Ibarra absent.

Applicant **Peter Koehler** said some of the speakers are from another tow service that tried to obtain these lots. Caltrans owns the land but he intends to landscape with trees and bushes. The fences will block the freeway pillars and keep them from having graffiti.

**Vice Mayor Pallas** stated these cars being towed are from outside San Bruno and this business has no benefit for the people of San Bruno and he is not in favor of proposal.

**Councilmember O'Connell** reminded everyone that Caltrans owns the land and the applicant is paying rent. Caltrans wanted the City of San Bruno to pay \$50,000 per year to lease it.

**Mayor Franzella** clarified that lot C is not being approved and must come back to the Planning Commission if new proposal made. In either case applicant must come back in 6 months for a review of the operation and submit landscaping plans for lot C.

**City Attorney Thompson** recommended adding condition that failure to adhere to local, state, or federal laws is grounds for revocation of this use permit. Condition number 15 should be modified that the applicant must come back to the Planning Commission and/or the City Council in 6 months and annually thereafter and that these bodies can add more conditions at that time. **M/S O'Connell/Ruane** to approve use permit with changes requested by staff and all conditions as noted, Ayes Franzella, O'Connell, Ruane, and No's Pallas with Ibarra Absent.

**Chief of Police Lee Violett** recommends that the City Council approve Grant Allocation of \$11,030 in funds under the **Local Law Enforcement Block Grant Program**. Federal Allocation to be spent as authorized under the provisions of the grant as follows:

- (1.) To staff **bicycle patrol** beats in the downtown and City Park areas.
- (2.) To staff additional personnel for the sole purpose of **DUI enforcement** during the Avoid the 23 Campaign and to staff DUI checkpoints.
- (3.) To provide concentrated **traffic enforcement** in problem areas.

Each city is required to hold a Public Hearing to receive public input on how the funds should be used. Public hearing was opened and no one wished to address the Council. Chief of Police Lee Violett noted the requirement for the public hearing to receive these grant funds and recommends the City match \$1226 out of the overtime account.

**Robert Riechel of 7<sup>th</sup> Avenue** spoke in favor of accepting this grant.

**Harry Costa** representing the Chamber of Commerce complimented the Chief for the great job the bicycle patrol does for downtown. It helps with all the illegal U-Turns.

**M/S Ruane/O'Connell** to close the public hearing and passed unanimously with Ibarra absent. **M/S Ruane/O'Connell** to approve the grant passed unanimously with Ibarra absent.

**UNFINISHED BUSINESS: None**

**CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: None**

**COMMUNICATIONS: None**

**STAFF REPORTS: Public Works Director Scott Munns** recommended that the City Council; **Approve** and introduce a resolution granting an **8' foot easement** to SBC Pacific Bell Telephone Company on a City owned property (APN 019-171-010) east of 2701 Crestmoor Drive and authorize the City Manager to execute the Grant of Easement. Item was **deferred to the August 12, 2003** Council meeting because there was no representative from **SBC** to answer questions.

**Approve** and introduce a resolution authorizing submittal of a **loan application** in the amount of \$27,000 to the California Energy Commission for low-interest financing of energy efficiency improvements such as LED lights. **Public Works Director Scott Munns** indicated that improvements were to the five

intersections effected by the BART project. Conversion saves the City \$6000 and payback will occur in 4 years. **Councilmember Ruane introduced the resolution**, roll call vote taken, all Ayes and Ibarra absent.

**REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

**PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Lillian Fenech** wrote a letter on July 11 to City Manager Frank Hedley concerning her windows for aircraft noise insulation. She was never informed that she was off the map for windows and is very upset since an undated application from a neighbor was complete.

**Doris Maez of Fleetwood Drive** very upset that we still do not have a state budget approved. She is circulating a petition for an initiative requiring budget to be approved by a simple majority. Legislatures would lose their salary and not get money back if budget not approved on time.

**Harry Costa of San Mateo Avenue** concerned that the City just issued another permit for a restaurant on San Mateo Avenue. The property in question should have been used in conjunction with the former Wells Fargo Site improvements.

**Carolyn Frati of Terrace Avenue** said she has a copy of an application for aircraft noise insulation on her property dated April 23, 1993, and her home was never insulated.

Mayor Franzella requested that speaker see the City Clerk and provide information so that the City can investigate and get back to her.

**REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**Council Ad Hoc Committee for an Arts Commission** (O'Connell/Ruane) recommended that the City Council waive first reading/introduce ordinance establishing program for **Art in Public Places**. Amends the Master Fee Schedule in order to set aside a percentage of building permit costs for funding program. Council approved a split fee option with 5% for residential and 7% for commercial permits at the July 8, 2003 Council meeting. Waive first reading and roll call vote. **City Attorney Thompson** clarified that the language on the agenda was not correct and should read, "The fee is to address impacts from construction and infill within the city. The amount of the fee is calculated based on the amount of the build permit fee because the permit fee reflects the construction activity and impact and is a measure of the appropriate impact fee and a point of collection." This will not increase the building permit fee and is a separate fee.

**Vice Mayor Pallas** said we are using different words but it is just another tax and may be challenged in the courts and he feels should be postponed for more study to make sure it is legal. **Councilmember O'Connell** stated that the AD Hoc committee has been researching this for more than six months and has the up most confidence in our City Attorney. Other Cities use similar ordinances to fund Art and it is needed in San Bruno. **M/S O'Connell/Ruane** to waive the first reading and passed unanimously.

**Councilmember O'Connell** introduced the ordinance for adoption with Ayes O'Connell, Ruane, Franzella and No's Pallas with Ibarra absent.

**Oral Updates:**

**Beautification Task Force** (O'Connell), next meeting is scheduled for Sept 4, 2003 at 5:15 p.m. in City Hall. Still looking for applications for beautification awards and applications are available just about everywhere and the deadline is August 15, 2003.

**Mosquito Abatement** (Ibarra) **Finance Director Jim O'Leary** gave an update to the City Council. On June 23, 2003 representatives from the 7 effected North County Cities met in South San Francisco and an agreement was reached by the Cities that any extension of a tax would have to be submitted to the voters for approval. This item will come to the San Bruno City Council at the August 12, 2003, Council meeting and a resolution will be submitted at that time for consideration.

Annual reports to the City Council will be presented by the **Traffic Safety & Parking Committee** and the **Community Preparedness Committee** at the August 12, 2003 City Council meeting.

**NEW BUSINESS:**

Study Sessions scheduling: **Councilmember O’Connell** recommended we schedule a study session with Parks and Recreation Commission to review their Master Plan. Mayor Franzella requested consideration for setting date wait until the next meeting when Councilmember Ibarra will be present.

**Councilmember Ruane** received an email from Mr. and Mrs. Dave Dornlas of Crestmoor Drive suggesting the City take advantage of some very positive press the City will receive from the new movie “**Seabiscuit**” which will open this weekend. Town Center should re-install the former road signs for Seabiscuit and Citation Avenues. With unanimously consensus of the Council, direction was given to staff to move forward and make this happen.

**CLOSED SESSION: At 9:33 p. m. Council recessed to closed session to discuss potential litigation concerning the new BART barrier fence.**

**City Attorney Pamela Thompson** requested closed session to confer with City Council regarding street widening project. (Govt Code Section 54956.9(b)(1). This item deferred to the August 12, 2003 City Council meeting.

**City Council reconvened** from closed session at approximately 9:45 p.m. and Mayor Franzella reported that direction had been given to the City Attorney.

With no further business to transact, meeting was adjourned at 9:48 p.m.

**ADJOURNMENT: Meeting adjourned to the next regular meeting on August 12, 2003 at 7:00 pm. Senior Center (1555 Crystal Springs Road).**

Foregoing minutes approved by the  
San Bruno City Council at the regular  
Meeting of August 12, 2003

Respectfully submitted,

Ed Simon, City Clerk

Larry Franzella, Mayor